

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST SAINT LOUIS DIVISION**

ANN BARTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SWAN SURFACES, LLC,

Defendant.

No. 3:20-cv-499-JPG

DEFENDANT’S MOTION TO DISMISS

Defendant, Swan Surfaces, LLC (“Swan”), by and through its attorneys, Littler Mendelson, P.C., respectfully moves to dismiss Plaintiff’s Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1). The facts, arguments, and authority set forth in Defendant’s Memorandum in Support are incorporated herein by reference.

Respectfully Submitted,

/s/ Patricia J. Martin

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2020, I caused the foregoing document to be filed with the Clerk of the Court using the CM/ECF system which will cause service upon the following counsel of record:

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/s/ Patricia J. Martin